

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

In re:
Chika N. Orlu

Case No.: 21-49336
Chapter 13
Judge: Oxholm

Debtor

Law Offices of Walter A. Metzen

Walter A. Metzen (P49779)

Omar “Ted” Badr (P70966)

Attorneys for Debtor(s)

3156 Penobscot Building

645 Griswold Street

Detroit, MI 48226

(313) 962-4656; Fax: (313) 334-7400

detroitbankruptcylawyer@gmail.com

**OBJECTION TO PROOF OF CLAIM #15 OF THE MICHIGAN DEPARTMENT
OF TREASURY**

NOW COMES the Debtor, by and through her counsel, WALTER A. METZEN, who hereby objects to the Proof of Claim of the State of Michigan Department of Treasury (hereinafter referred to as the “State” or “claimant”) as follows:

1. The Debtor filed a Petition under Chapter 13 of the Bankruptcy Code.
2. Claimant filed its Proof of Claim on or about March 11, 2022.
3. Claimant identifies the basis of its claim as state and local income taxes owed by the Debtor.
4. The Claim states that the Debtor has unfiled income tax returns for the City of Detroit and the State of Michigan, causing the claim to include estimated amounts for the income tax liabilities owed in that year.

5. The Debtor has filed the 2017 Michigan and Detroit income tax returns.
6. Copies of the signed returns have been furnished to the taxing authority. As such, the Proof of Claim is no longer accurate.
7. Prior to filing this objection, Debtor's counsel requested that the Proof of Claim be withdrawn or amended. As of the filing of this objection, the Proof of Claim has not been amended or withdrawn.

WHEREFORE Debtor, respectfully requests that this Honorable Court disallow Proof of Claim #15 filed by the State of Michigan Department of Treasury, in its entirety, and for such other and further relief as this Honorable Court deems equitable and just, including but not limited to award of attorney fees for time spent in dealing with this matter.

Respectfully Submitted,

Dated: June 1, 2022

/s/ Walter Metzen
Law Offices of Walter A. Metzen
Walter A. Metzen (P49779)
Omar "Ted" Badr (P70966)
Attorneys for Debtor(s)
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CERTIFICATE OF SERVICE

Walter A. Metzen certifies that on June 1, 2022, a copy of **Objection to Proof of Claim; Proposed Order Granting Objection to Proof of Claim; Notice of Objection to Claim; Notice of Hearing; and Proof of Service** was served by depositing same in the U. S. Mail, postage prepaid, properly addressed as follows:

Debtor
Kurt C. Griggs-Swanson
325 Keelson Dr.
Detroit, MI 48215

Creditor
Michigan Department of
Treasury
By Electronic Notice Served on
its attorney, Moe Freedman

Trustee
David Ruskin
(by Electronic Notice)

Dated: June 1, 2022

/s/ Walter Metzen
Law Offices of Walter A. Metzen
Walter A. Metzen (P49779)
Omar “Ted” Badr (P70966)
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NOTICE OF OBJECTION TO CLAIM

Please take notice that the Debtor in the above action filed an Objection to your claim in the bankruptcy case.

Your claim may be reduced, modified, or denied. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the Court to deny or change your claim, then at least seven (7) days immediately preceding the hearing in this matter, you or your attorney must:

1. File with the Court a written response to the objection explaining your position at:

United States Bankruptcy Court
211 W Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the Court for filing, you must mail it early enough so that the Court will **receive** it on or before the date stated above.

You must also mail a copy to:

Walter A. Metzen
3156 Penobscot Building
Detroit MI 48226

David W. M. Ruskin
1100 Travelers Tower
26555 Evergreen Rd.
Southfield, MI 48076-4251

2. Attend the hearing on the objection scheduled to be held on **July 18, 2022 at 1:30 p.m. in Courtroom 1875**, United States Bankruptcy Court, 211 West Fort Street, Detroit MI 48226, unless your attendance is excused by mutual agreement between yourself and objector's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)

If you or your attorney do not take these steps, the Court may decide that you do not oppose the Objection to your claim, in which event the hearing will be cancelled, and the Objection sustained.

Dated: June 1, 2022

/s/ Walter Metzen

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_____ /

**ORDER GRANTING OBJECTION TO PROOF OF CLAIM #15 BY
MICHIGAN DEPARTMENT OF TREASURY**

This matter having come on for hearing before the Court by way of the objection of the Debtor of the allowance of the claim of the above-referenced creditor, service having been made with a notice of hearing allowing a 33 day notice pursuant to Bankruptcy Rule 3007, a Notice of Objection having been served and a certificate of non-response having been filed with the Court;

NOW THEREFORE IT IS HEREBY ORDERED THAT:

The objection to the Proof of Claim filed by the above-referenced creditor is hereby granted. To the extent that the Chapter 13 Standing Trustee has previously made disbursements to such creditor, the Trustee shall not be obligated to recoup same.

IT IS FURTHER ORDERED AS FOLLOWS:

The claim of the Michigan Department of Treasury, Proof of Claim #15, shall be disallowed in its entirety.

IT IS SO ORDERED.

EXHIBIT A